The point is that this bill places the interests of Indian children above all else, first by ensuring that they will have as equal a chance as any other children at having a loving family and a home and second, by protecting their interests in their own culture and heritage.

For the benefit of those new to this debate, I would like to provide a short background of the events that led to the enactment of the original Indian Child Welfare Act and what the new amendments that I and Chairman YOUNG are proposing would do.

The Indian Child Welfare Act [ICWA] was enacted in 1978 in response to the widespread removal of Indian children from Indian families and placement with non-Indian families or institutions. Prior to ICWA, House hearings yielded information which demonstrated that between 1969 and 1974, 25 to 35 percent of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions. The Resources Committee reported in 1978 that ''[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today.''

In 1978, Chief Calvin Isaac of the Mississippi band of Choctaw Indians testified at hearings before the House about the cause for the large removal of Indian children:

> One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by nontribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and childrearing. Many of the individuals who decide the fate of our children are at best ignorant of our cultural values, and at worst contemptful of the Indian way and convinced that removal, usually to a non-Indian household or institution, can only benefit an Indian child.

Removal of Indian children from Indian families led not only to social harm to the Indian parents and adopted children, but also to harm to the tribes who were essentially losing their own members. Chief Isaac added that—

> Culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of the tribal heritage, are to be raised in non-Indian homes and denied exposure to the ways of their People. Furthermore, these practices seriously undercut the tribes' ability to continue as self-government communities.

Congress enacted ICWA to address these concerns, declaring that ''it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families * * *.'' 25 U.S.C. 1902. Furthermore, Congress ''has assumed the responsibility for the protection and preservation of Indian tribes and their resources'' and ''that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.'' 25 U.S.C. 1901 (2), (3).

It is worth pointing out that Congress enacted ICWA in recognition of two equally important interests—that of the Indian child, and that of the Indian tribe in the child. In a landmark ruling, the Supreme Court in the Holyfield case highlighted the latter interest, saying:

> The protection of this tribal interest is at the core of ICWA, which recognizes that the tribe has an interest in the child which is distinct but on a parity with the interest of the parents.

One result of the passage ICWA has been the development and implementation of tribal juvenile codes, juvenile courts tribal standards, and child welfare services. Today, almost every Indian tribe provides child welfare services to their own children.

Recent studies indicate that ICWA has had a positive effect in redressing the wrongs caused by the removal of Indian children from their families. In 1978, Congress found evidence that state courts and child welfare workers placed over ninety percent of adopted American Indian children in non-Indian homes. Sixteen years later, studies indicate that less than 60 percent are adopted by non-Indians. Note, When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the Good Cause Exception in Indian Child Welfare Act Adoptive Placements, 79 Minn. L. Rev. 1167, 1167–68 (1995). A 1987 report revealed an overall reduction in foster care placement in the early 1980's after enactment of the Act. See Note, The Best Interests of Indian Children in Minnesota, 17 American Indian L. Rev. 237, 246–47 (1992). A 1988 report indicated that ICWA had motivated courts and agencies to place greater numbers of Indian children into Indian homes. Id.

In other words, ICWA is starting to work well. Indian children have been placed in loving homes and the removal of children from their culture has diminished. Unlike other minority cases, there is no shortage of families willing to adopt Indian children. Less than one-half of one-tenth of all Indian adoption cases since passage of ICWA have caused problems.

Although ICWA gives tribes the right to play a role in all cases involving their own children, unfortunately, the law does not always require that parents, their attorneys, or adoption agencies notify the courts or the tribes when such a case is pending. The problem is that some in the adoption profession fear that by notifying the courts that an Indian child is involved in an adoption proceeding, they either will bog down the proceedings or scare off potential adoptive parents. Often, the tribes are given no notification while parties to the adoption are encouraged to conceal the child's Indian identity, causing the number of cases where the intent of the law has been skirted to multiply rapidly. The consequences of this noncompliance can lead to emotionally troubling results for everyone involved.

The bill that I am cosponsoring corrects these problems.

Here's exactly what the bill does. The Indian Child Welfare Act Amendments of 1997 would provide Indian tribes with notice of voluntary adoption proceedings. Currently, the Act requires that tribes receive notice of involuntary proceedings but not voluntary proceedings. The bill would also limit when and how Indian tribes and families can intervene in Indian adoption cases. Tribes would only be permitted to intervene, first, within 30 days of notification of a termination of parental rights proceeding, second, within 90 days of notification of an adoptive placement, or third, within 30 days of notification of an adoptive proceeding. A tribal waiver of its right to intervene will be considered final. Furthermore, a tribe seeking to intervene must provide a certification that the Indian child is, or is eligible to become, a member of the tribe. The bill would also limit the period of time within which Indian birth parents can withdraw their consent to adoption or termination of parental rights. A birth parent can only withdraw consent to adoption up to 30 days after commencement of adoption proceedings, up to 6 months after notification to the tribe if no proceedings have begun, or up to the entry of a final adoption order, whichever comes first. The bill also encourages tribes and adoptive families to enter into voluntary open adoptions and visitation arrangements and authorizes such arrangements in States that prohibit such arrangements. Finally, the bill applies penalties for fraud and misrepresentation by applying criminal sanctions to persons, other than birth parents, who attempt to hide the fact that an Indian child is the subject of a child custody proceeding or that one of the child's parents is an Indian.

I believe that these provisions are fair and will encourage, not prevent, the placement of Indians in caring homes and families.

Some have tried to blame the few but well-publicized failures on the Indians, some have concluded that rolling back the ICWA is necessary to prevent future miscarriages of justice, and some have even asserted that they are doing it with the best interests of the Indian at heart. But Indian people have heard claims like these all too many times before. We understand how hard it must be for them to live with this rhetoric, especially when the stakes are so high. We must all bear in mind that from an Indian perspective, it is the very future of their people and their culture that is at stake.

It is time for non-Indians to understand that Indian families are not necessarily opposed to other people raising their children and giving them loving homes. But it is even more critical that they understand that Indian people must have a voice in these adoptions and that their voices be heard for the good of everyone.

Although we in Congress are often the first to prescribe what is best for American Indians, we usually fail in our attempts to deliver on our promises, largely due to our unwillingness to listen to the very people we're trying to help. I have listened to the tribes, and to the families this time and I believe that the Indian Child Welfare Act Amendments of 1997 is a fair and balanced approach that can bring peoples and cultures together, not divide them apart.

COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, I am pleased to inform Members of the House of Representatives that the Commission on Servicemembers and Veterans Transition Assistance held its initial meeting on February 26, 1997. The Commission was created by Public Law 104–275 to advise Congress on the effectiveness of programs designed to assist servicemembers and their families in their transition from active duty to civilian life. The Commission is also charged with studying veterans readjustment benefits to determine how well they are

meeting the objective of facilitating veterans readjustment.

The Commission members elected Mr. Anthony Principi to serve as chairman and Mr. Kim Wincup as vice chairman. Mr. Principi is a former Deputy Secretary and Acting Secretary of Veterans Affairs and Mr. Wincup is a former Assistant Secretary of the Air Force (Acquisition) and Assistant Secretary of the Army (Manpower and Reserve Affairs). Both of these commissioners also have significant experience on Capitol Hill, and are well known in military and veterans circles. The additional 10 Commission members are: Gen. James B. Davis (Ret.), Mr. Richard Johnson, Mr. Mack Fleming, Mr. Tom Harvey, Lt. Col. Renee Priore (Ret.), Brig. Gen. Robert (Steve) Stephens (Ret.), Mr. Ron Drach, Mr. Christopher Jehn, Lt. Gen. Edgar Chavarrie (Ret.), and Mr. Michael Blecker. Each of the members has responsibilities outside of the Commission, and I appreciate the job they are about to take on.

Mr. Speaker, I would like to address what I feel to be the most important objective for the Commission to accomplish. We have a wide variety of benefits for veterans and active duty members about to leave the service. These programs have been put in place over the years as Congress saw a need and had the resources to meet those needs.

The Commission's challenge, as I see it, is to determine whether these programs work well as a transition and readjustment package. For all that our servicemembers do in service to our country, we owe them as smooth a return to civilian life as possible, and this Commission's job is to provide us with an independent analysis on how well the package of programs and benefits are doing the job. Each Commission member has a diverse and knowledgeable background in the areas of military and veterans' affairs, and I am confident that they can meet this challenge.

THE COST OF LIVING ACCOUNTABILITY ACT OF 1997

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to address an issue that affects millions of Americans. As you all know, the recently released Boskin Commission concluded that the Consumer Price Index [CPI] overstates the rate of inflation by 1.1 percent. In light of this finding, several changes to the way in which the CPI is calculated have been proposed. Members of Congress, the President, and other government officials have different ideas on whether the Bureau of Labor Statistics [BLS] should continue to adjust the CPI when necessary or if an independent commission should make any needed changes. However, one element is lacking with these proposals: accountability.

Whether we continue to have the Bureau of Labor Statistics determine the CPI, or pass that responsibility along to an independent commission, or choose another alternative, Members of Congress have a duty to ensure that any changes to the CPI are in the best interest of our citizens. We must be held to a vote on the matter.

There are tough choices ahead in our quest to balance the budget. Federal benefits whose COLA's are linked to the CPI include: Social Security, Federal employee and military retirement, veterans pensions, child nutrition programs, and the Earned Income Tax Credit [EITC]. In addition, income tax brackets are also determined by the CPI. A quick fix to the problem of balancing the budget could be simply to adjust the rate of inflation, which would lower payments for recipients of benefits of all of the above programs and raise taxes. But quick fixes rarely solve the problem over the long run. We should not use the CPI as a budget balancing tool.

The CPI is a cash cow that some Republicans are trying to use to achieve their budget goals. They are shopping for a commission to do the BLS's job, because they want the CPI decreased, and the BLS is not moving quickly enough for them. If the BLS was not being pressured by these Republicans and some in the Administration to recalculate this index to their specifications, this bill would not be necessary.

The Republicans want the President to change the CPI administratively. They want this to be done so that when our seniors' Social Security COLA's are reduced, they can blame it on someone else. They are hiding behind someone else's decision instead of holding themselves accountable for these extremely difficult budget decisions facing this Congress.

The BLS and its commissioner, Katharine Abraham, are moving as quickly as they can to examine if any changes should be made to the CPI. This is not an expert science, but it is the best system we have. The BLS economists are experts, and should be the ones to continue to make these important calculations.

My legislation does not offer any particular solution to fix the CPI. Instead, it simply requires that any proposed changes be approved by the Congress. During consideration of the fiscal year 1996 Labor-HHS appropriations bill, I, along with Representative BARNEY FRANK, offered an amendment which would protect Social Security COLA's, among other things, from unfair cuts by requiring Congressional approval of any changes in the formula used to calculate the CPI. My amendment was passed by the House, but later dropped in the House-Senate conference on the bill.

My amendment has now been reintroduced as a free standing measure. I hope that all of my colleagues will join me and again decide to be held accountable for any changes to the many programs that are affected by changes in the CPI.

INDIAN HILL PRIMARY'S INTERNATIONAL PEACE MUSEUM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to share with my colleagues a wonderful event that has taken place at a primary school I visited back home in the district I represent.

The students at Indian Hill Primary have been learning about the many opportunities available to them on the Internet. The teachers have made this new technology an integral part of their lesson plans which, as the principal said, makes their daily lessons come alive.

For example, second grade students, motivated by the example set by Dr. Martin Luther King in his battle for equality through nonviolent protest, decided to share what peace means to them. With innovative leadership from teachers, facilitators, and the creativity of the students, their efforts culminated in the creation of the ''International Peace Museum.''

This museum web site includes the students' definitions of peace, while also displaying the second graders' illustrations. Because they invite other classes, students, leaders, and governments from around the world to contribute, the students at Indian Hill Primary have already heard from schools in Bermuda, Canada, and throughout the United States.

Mr. Speaker, I commend Indian Hill Primary's International Peace Museum.

INTRODUCTION OF INDIAN CHILD WELFARE ACT AMENDMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer legislation with the ranking minority member of the Resources Committee, Mr. GEORGE MILLER. The 104th Congress considered several legislative bills to amend the Indian Child Welfare Act [ICWA], however, none of the legislative measures were enacted into law. In May 1996, the Committee on Resources and I directed the Tanana Chiefs Conference to begin a consultation effort with the American Academy of Adoption Attorneys, National Indian Child Welfare Association, and tribes to draft ICWA legislation.

Last year, tribal representatives met in Tulsa, OK, to reach a consensus to address concerns expressed with the ICWA. This legislation contains identical language which was drafted and agreed to by the Academy of Adoption Attorneys and tribal representatives in H.R. 3828. H.R. 3828 was favorably reported out of the Committee on Resources, however it was not considered by the House in the 104th Congress. This legislation addresses many of the concerns of the adoption of native children by providing notice to tribes for voluntary adoptions, terminations of parental rights, and foster care proceedings. It provides for time lines for tribal intervention in voluntary cases and provides criminal sanctions to discourage fraudulent practices in Indian adoptions. The proposal provides for open adoptions in States where State law prohibits them and clarifies tribal courts authority to declare children wards of the tribal courts. Additionally, it clarifies the limits on withdrawals of parental consent to adoptions. In addition, it states that attorneys and public and private agencies have a duty to inform Indian parents of their rights under ICWA, and provides for tribal membership certification in adoptions. These reforms resolve the ambiguities in current law which resulted in needless litigation, and have disrupted Indian adoption placements without reducing this country's commitment to protect native American families and promote the best interest of native children.

Mr. Speaker, all of the provisions contained in this bill have been tentatively embraced by the Academy of Adoption Attorneys and tribal representatives. My committee will seek additional input from the Department of Justice,